IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION No. 1504 of 2005**

Between:

R.Satyam Naidu, S/o.Sri Ramulu,
C.B.M.Girls High School, Bobbili, Vizianagaram District.

**..... PETITIONER**

AND

1. The Commissioner and Director of School Education, Andhra Pradesh, Saifabad, Hyderabad.
2. The District Educational officer, Vizianagaram.
3. The Correspondent and Dy.Educational officer, C.B.M.Girls High School, office at SH School, Bobbili, Vizianagaram District.
4. The Head Mistress, C.B.M.Girls High School, Bobbili, Vizianagaram Dist.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the second respondent in issuing impugned proceedings bearing Rc.No. 253/B6/87 dated 25-10-2004 instead of forwarding the case to the first respondent as directed vide proc.Rc.No.2153/D1/3/87-1, dated 20-08-2004 of the first respondent as arbitrary and illegal and consequently direct the second respondent to pass orders on the representation of the petitioner dt.25-7-2003.

**Counsel for the Petitioner:MR.S.SATYAM REDDY**

**Counsel for the Respondent Nos.1 and 2: GP FOR SCHOOL EDUCATION**

**Counsel for the Respondent Nos.3 and 4: ---**

**The Court at the admission stage made the following Order:**

This writ petition is filed seeking a Writ of Mandamus declaring the action of the second respondent in issuing the impugned proceedings dated 25.10.2004 instead of forwarding the case to the first respondent as per the proceedings dated 20.08.2004 as illegal and arbitrary.

The facts of the case are not in dispute.

Learned counsel appearing for the petitioner contended that the first respondent vide proceedings dated 20.08.2004 directed the second respondent to submit a detailed report along with a copy of the representation dated 25.07.2003 of the petitioner to examine and to pass appropriate orders as per the orders of this Court in W.P.No.12097 of 2004. He further contended that the second respondent instead of forwarding the case to the first respondent, he himself passed the orders dated 25.10.2004 and, therefore, he prays for appropriate directions.

On the other hand, learned Government Pleader for Higher Education contended that this Court in W.P.No.12097 of 2004 directed the respondents 1 and 2 to consider the representation dated 25.07.2003 made by the petitioner and that the first respondent, Commissioner and Director of School Education, vide proceedings dated 12.09.2003 rejected the proposals submitted by the Management and, hence, question of considering his case does not arise and therefore, the writ petition is devoid of merits and it is liable to be dismissed.

The second respondent through proceedings dated 25.10.2004 informed the petitioner that as the Management has admitted the petitioner into duty on 15.08.1987 without obtaining prior permission from the department and the same was done on their own accord, the department is not responsible for payment of salary from 15.08.1987. The grievance of the petitioner is that though the first

respondent directed the second respondent to submit a detailed report so as to take appropriate decision, the second respondent himself passed the impugned proceedings dated 25.01.2004. This Court directed respondents 1 and 2 to take appropriate decision on the representation dated 25.07.2003 made by the petitioner within a period of eight weeks. In pursuance of the said direction, the present impugned proceedings have been passed.

The jurisdiction of the second respondent has not been challenged in the present writ petition. Since the petitioner was appointed as record assistant by the Management without obtaining prior permission of the department, question of absorbing or considering his case does not arise. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed at the stage of admission. No costs.

07.02.2005

usd

To

1. The Commissioner and Director of School Education, Andhra Pradesh, Saifabad, Hyderabad.
2. The District Educational officer, Vizianagaram.
3. The Correspondent and Dy.Educational officer, C.B.M.Girls High School, office at SH School, Bobbili, Vizianagaram District.
4. The Head Mistress, C.B.M.Girls High School, Bobbili, Vizianagaram District.
5. Two CD copies.
6. Two C.Cs to the Government Pleader for School Education,

High Court Buildings, Hyderabad.